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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,131	07/11/2001	Wright J. Nee	ROC920000321US1	9531

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EXAMINER	
ADDY, THJUAN KNOWLIN	

ART UNIT	PAPER NUMBER
2614	

MAIL DATE	DELIVERY MODE
06/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/903,131	NEE, WRIGHT J.	
	Examiner	Art Unit	
	Thjuan K. Addy	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 April 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 July 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on April 25, 2007 has been entered. Claims 1, 3, 14-17, 32, 35, and 39 have been amended. Claims 2 and 42 have been cancelled. No claims have been added. Claims 1 and 3-41 are still pending in this application, with claims 1 and 35 being independent.

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/25/07 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1 and 3-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al (US 6,374,177), in view of Marrah et al (US 6,728,522), in view of De Bonet et al (US 6,985,694), and in further view of Morita et al (US 5,864,753).

4. In regards to claims 1, 26, 29, 30, 31, 32, 35, 39, and 41, Lee discloses an apparatus, method, and product for selecting broadcast signals (See Abstract, col. 5-6 lines 60-8, and col. 6 lines 39-57), the apparatus, method, and product comprising: a tuner for receiving a plurality of live AM/FM broadcast signals having multiple program formats from a plurality of broadcast sources (See col. 2 lines 21-25, col. 6 lines 39-49, col. 6 lines 53-57, and col. 11 lines 44-50), a memory, the memory including: a current location of the receiver (See col. 11 lines 51-61), and a processor coupled to the tuner and the memory for selecting a group of live AM/FM broadcast signals from the plurality of live AM/FM broadcast signals having multiple program formats based on a predetermined selection criteria (See col. 2 lines 21-25, col. 6 lines 39-49, col. 6 lines 53-57, and col. 11 lines 44-50). Lee, however, does not disclose a database of broadcast sources for a plurality of broadcast locations, wherein the selection criteria includes the plurality of receivable broadcast signals, and the current location of the receiver. Marrah, however, does disclose a database of broadcast sources for a plurality of broadcast locations (See col. 5 lines 45-50), wherein the selection criteria includes the plurality of receivable broadcast signals (See col. 3 lines 5-9 and col. 3 lines 45-59), and the current location of the receiver (See col. 3 lines 36-44 and col. 4 lines 17-29). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate these features within the system, as a way of tailoring advertisements/entertainment/music to a single listener's interest for real-time audio broadcasts. However, neither Lee nor Marrah, disclose a set of listener preferences. De Bonet, however, does disclose a set of listener preferences (See col. 3

lines 19-29, Fig. 5, col. 11 lines 37-48, and col. 12-13 lines 56-8). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate these features within the system, as a way of providing a listening system that is customizable based on the user's preferences and demographics, by allowing a user to select the format and content to be provided within the radio broadcast (See col. 1-2 lines 66-3). Lee, nor Marrah, nor De Bonet, however, specifically disclose a local database of AM/FM broadcast sources for a plurality of broadcast locations and wherein a group of live AM/FM broadcast signals is selecting from the plurality of live AM/FM broadcast signals based on local database of AM/FM broadcast sources for a plurality of broadcast locations. Morita, however, does disclose a local database of AM/FM broadcast sources for a plurality of broadcast locations and wherein a group of live AM/FM broadcast signals is selecting from the plurality of live AM/FM broadcast signals based on local database of AM/FM broadcast sources for a plurality of broadcast locations (See col. 2 lines 1-11, col. 2 lines 32-43, col. 3 lines 14-28, col. 4 lines 16-38, and col. 4 lines 48-54). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate these features within the system, as a way of providing a radio station tuning system, which enables a radio receiver to be tuned to a radio station offering a program of a desired kind even when a driver or listener is present in an area where a plurality of radio stations offer ordinary programs.

5. In regards to claims 3, 28, and 40, Marrah discloses all of claims 3, 28, and 40 limitations, except the apparatus and method, wherein the local database of AM/FM broadcast sources further includes program formats for a plurality of broadcast

locations. Morita, however, does disclose wherein the local database of AM/FM broadcast sources further includes program formats for a plurality of broadcast locations (See col. 2 lines 1-11, col. 2 lines 32-43, col. 3 lines 14-28, col. 4 lines 16-38, and col. 4 lines 48-54).

6. In regards to claim 4, Marrah discloses all of claim 4 limitations, except the apparatus, wherein the current location of the receiver is entered by the listener. De Bonet, however, does disclose wherein the current location of the receiver is entered by the listener (See col. 9-10 lines 67-1 and col. 12-13 lines 56-8).

7. In regards to claims 5, 6, and 38, Marrah discloses all of claims 5, 6, and 38 limitations, except the apparatus and method, wherein the current location entered by the listener is a zip code. De Bonet, however, does disclose wherein the current location entered by the listener is a zip code (See col. 11-12 lines 65-5 and col. 12 lines 30-37).

8. In regards to claim 7, Marrah discloses all of claim 7 limitations, except the apparatus, wherein the current location entered by the listener is a city name. De Bonet, however, discloses the apparatus, wherein the current location entered by the listener is a city name (See col. 11 lines 15-22 and col. 13 lines 9-20).

9. In regards to claim 8, Marrah discloses all of claim 8 limitations, except the apparatus, wherein the current location entered by the listener is entered via a keypad integral to the apparatus. De Bonet, however, does disclose wherein the current location entered by the listener is entered via a keypad integral to the apparatus (See col. 9-10 lines 67-1 and col. 12-13 lines 56-8).

10. In regards to claim 9, Marrah discloses all of claim 9 limitations, except the apparatus, wherein the current location entered by the listener is entered via voice input. Marrah, however, does disclose the apparatus, wherein the current location entered by the listener is entered via a keypad integral to the apparatus (See col. 3 lines 1-10), therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ this feature within the system as a way of providing to the listener another method of entering the current location.

11. In regards to claims 10 and 36, Marrah discloses the apparatus and method, wherein the current location of the receiver is provided by a global positioning system (GPS) receiver (GPS receiver 40) integral to the apparatus (See col. 3 lines 41-44).

12. In regards to claim 11, Marrah discloses the apparatus, wherein the current location of the receiver is provided by a global positioning system (GPS) receiver external to the apparatus (See col. 4 lines 30-41).

13. In regards to claims 12 and 13, Marrah discloses the apparatus, wherein the current location of the receiver is provided by a cellular phone integral to the apparatus (See col. 2 lines 59-63).

14. In regards to claim 14, Marrah discloses all of claim 14 limitations, except the apparatus, wherein the local database of AM/FM broadcast services is provided to the receiver by a removable memory module. Morita, however, does disclose wherein the local database of AM/FM broadcast services is provided to the receiver by a removable memory module (See col. 2 lines 1-11, col. 2 lines 32-43, col. 3 lines 14-28, col. 4 lines 16-38, and col. 4 lines 48-54).

15. In regards to claims 15, 16, and 17, Marrah discloses all of claims 15, 16, and 17 limitations, except the apparatus, wherein the local database of AM/FM broadcast services is provided to the receiver by a CD-ROM disc, a CD-RW disc, or a writable DVD. Marrah and Morita, however, do disclose the apparatus wherein the local database of AM/FM broadcast services is provided to the receiver by a removable memory module (See col. 5 lines 45-50, of Marrah and col. 2 lines 1-11, col. 2 lines 32-43, col. 3 lines 14-28, col. 4 lines 16-38, and col. 4 lines 48-54, of Morita).

16. In regards to claims 18 and 27, Marrah discloses the apparatus, wherein the apparatus further includes an I/O port for transferring information from an external device to the apparatus (See col. 3 lines 31-44 and col. 4 lines 30-41).

17. In regards to claim 19, Marrah discloses the apparatus, wherein the external device is coupled to the I/O port via a wired connection (See col. 2 lines 52-59).

18. In regards to claims 20, 21, and 22, Marrah discloses the apparatus, wherein the external device is coupled to the I/O port via a wireless connection (See col. 2 lines 59-63).

19. In regards to claim 23, Marrah discloses all of claim 23 limitations, except the apparatus, wherein the external device is a personal digital assistant (PDA). De Bonet, however, does disclose wherein the external device is a personal digital assistant (PDA) (See col. 8 lines 15-18).

20. In regards to claim 24, Marrah discloses all of claim 24 limitations, except the apparatus, wherein the external device is a personal computer (PC). De Bonet,

however, does disclose wherein the external device is a personal a personal computer (See col. 8 lines 15-18).

21. In regards to claim 25, Marrah discloses all of claim 25 limitations, except the apparatus, wherein the external device is a wireless phone. De Bonet, however, does disclose wherein the external device is a wireless phone (See col. 8 lines 15-18).

22. In regards to claim 33, Marrah discloses the apparatus, wherein the receiver (GPS receiver 40) is mounted within a mobile vehicle (See Fig. 2).

23. In regards to claims 34 and 37, Marrah discloses all of claims 34 and 37 limitations, except the apparatus and method, wherein the receiver is a hand-held device. De Bonet, however, does disclose wherein the receiver is a hand-held device (See col. 8 lines 15-18).

Response to Arguments

24. Applicant's arguments with respect to claims 1 and 3-41 have been considered but are moot in view of the new ground(s) of rejection.

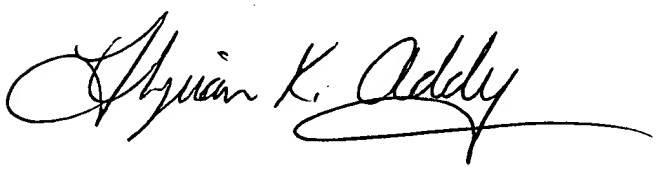
Conclusion

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Noreen et al (US Patent Application, Pub. No.: US 2002/0183059 A1) teach an interactive system and method for use with broadcast media. Strauss et al (US 4,476,582) teach a mobile broadcast receiver with channels selectable according to reception location.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan K. Addy whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

27. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

28. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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